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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 GITA GREEN, INC.,)
12) Case No.:
Plaintiff,)
13)
vs.)
14)
WEPE INDUSTRY, L.L.C.)
15)
Defendant)
16

17
18 **COMPLAINT**

19 Plaintiff, Gita Green, Inc. ("Gita"), by and through its attorney, Shane W. Clayton, Esq.,
20 of the law firm Durham Jones & Pinegar, files this Complaint and states as follows:

21 **JURISDICTION AND VENUE**

22 1. Plaintiff, Gita, is a corporation organized and existing under the laws of the State
23 of Nevada with offices located at 112 W 8th St PO Box 7966 Spencer, IA 51301.

24 2. Defendant, WePe Industry, L.L.C. ("WePe") is a corporation organized and
25 existing under the laws of the State of South Dakota with offices located at 115 Twin Lakes Rd.,
26 Woonsocket, SD 57385-6511.

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3. This is an action for infringement of a United States Patent arising under 35 U.S.C. §271 et seq. This Court has original jurisdiction of the subject matter of this action pursuant to 28 U.S.C. §1331 and §1338(a).

4. On information and belief, this Court has general and specific jurisdiction over the Defendant and venue is proper in the District of Nevada pursuant to 28 U.S.C. §1391 and §1400, as the Defendant regularly conducts business in the District of Nevada and the Defendant has committed acts of infringement within the District of Nevada.

BACKGROUND

5. Gita is a Nevada based company that makes and sells the Filter Blaster, a product that cleans air filters in order to increase engine performance and reduce the cost of engine maintenance.

6. Gita is the assignee and owner of United States Patent No. 8,668,782 B2 entitled "Apparatus and Method for Cleaning Air Filters" (the "'782 Patent"). The '782 Patent issued on March 11, 2014. A true and correct copy of the '782 Patent is attached hereto as **Exhibit "1"**.

7. Gita is and has continuously been the owner of all right, title and interest in and to the '782 Patent throughout the time period relevant to this action.

8. The '782 Patent is directed to apparatus which may be used to clean an air filter utilizing a pressurized fluid such as air.

9. Gita has complied with the statutory requirement of placing a notice of the '782 Patent on substantially all of its diesel air filter cleaner products it manufactures and sells.

FIRST CLAIM FOR RELIEF **(Patent Infringement)**

10. Gita incorporates into this Claim for Relief all of the allegations of the prior paragraphs of this Complaint as if they were fully restated herein.

11. This cause of action arises under the patent laws of the United States and, more particularly, under 35 U.S.C. §§271, 282, 283, 284, and 285.

12. Without the authority from Gita to do so, WePe has infringed at least claims 2, 3, 18, and 23 of the '782 Patent within the meaning of 35 U.S.C. §271(a), directly and/or under the

1 doctrine of equivalents, by manufacturing, using and selling, and/or importing within this district
 2 and elsewhere the WePe Air Filter. On information and belief, WePe may also manufacture,
 3 use, sell, and/or import other products that infringe one or more claims of the '782 Patent.

4 13. Prior to the commencement of this action, WePe had actual notice of the '782
 5 Patent and of its acts of infringement as Gita has given WePe written notice of the '782 Patent
 6 and of WePe's infringement.

7 14. WePe's infringement of the '782 Patent is continuing and will continue unless
 8 WePe is enjoined from further infringement.

9 15. As a result of WePe's infringement described in this Complaint, Gita has and will
 10 continue to be irreparably damaged in a manner for which there is no adequate remedy at law.
 11 Gita is, therefore, entitled pursuant to 35 U.S.C. §283 to a preliminary and permanent injunction
 12 against WePe's continuing infringement.

13 16. Gita's monetary damages caused by WePe's infringement of the '782 Patent is an
 14 amount that is not yet fully ascertained or ascertainable.

15 17. WePe's infringement of the '782 Patent is willful and deliberate and with full
 16 foreknowledge of the existence of the '782 Patent and with full knowledge that the use and sale
 17 of its Air Filter Cleaner products infringe one or more claims of the '782 Patent.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff, Gita, prays for judgment against the Defendants as follows:

20 a. For preliminary and permanent injunctions against WePe infringement of the '782
 21 Patent.

22 b. For monetary damages in an amount adequate to compensate it for WePe's
 23 infringement of the '782 Patent.

24 c. For a finding that this case is exception pursuant to 35 U.S.C. §285.

25 d. For an award of Gita's attorneys' fees incurred in this action pursuant to 35
 26 U.S.C. §285.

27 e. For an award of treble damages as provided by 35 U.S.C.A. § 284.

1 f. For an award of pre-judgment and post-judgment interest as provided by law.

2 g. For such other and further relief as the Court deems just and proper.

3 DATED this 5 day of May, 2014.

4 **DURHAM JONES & PINEGAR**

5
6 By 

Shane W. Clayton, Esq.

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Attorney for Plaintiff, Gita Green, Inc..

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